



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 23, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jerry Cleworth presiding and with the following Council Members in attendance:

Council Members Present: Vivian Stiver, Seat A (telephonic)
Chad Roberts, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E
John Eberhart, Seat F

Absent: None

Also Present: Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Ryan Rickels, IT Director
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Ernie Misewicz, Assistant Fire Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman expressed hope that the City's mission statement would be read at the meeting. He spoke to the renovation at City Hall and suggested that the City of Fairbanks post its mission statements on the walls of the main level. He spoke to the formation of various task forces within the City and how it would create more public participation. He strongly suggested the creation of a renovation task force, listing the benefits to a community when rebuilding takes place.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Matherly, seconded by Mr. Roberts, moved to APPROVE the Agenda and Consent Agenda.

Mr. Gatewood, pulled Resolution No. 4507 from the Consent Agenda. He asked for clarification on the location and schedule of meetings for the month of February.

Mayor Cleworth stated that the next Regular City Council Meeting would be held at the City's Public Works facility on February 6, 2012 and the February 27th meeting would be at City Hall, as usual. He clarified that the work session with the Public Safety Commission had been rescheduled for March.

Mayor Cleworth called for objection and, hearing none, so ORDERED.

City Clerk Hovenden read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

- a) Regular Meeting Minutes of October 24, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Regular Meeting Minutes of November 14, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Liquor License Application(s) for renewal.

Lic #	Establishment Name	License Type	Premise Location	Owner Name
54	American Legion Post #11	Club	129 1st Avenue	Dorman H Baker Post #11
542	Husky Lounge	Bev. Dispensary-Seasonal	1521 E Cushman	The Kishan Group Inc
710	Mecca Bar	Beverage Dispensary	549 2nd Ave	JRB Inc
995	Safeway Store #2754	Package Store	3627 Airport Way	Safeway Inc
999	Oaken Keg #3410	Package Store	30 College Road	Safeway Inc
3381	Food Factory	Rest/Eating Place	44 College Road	CNR Enterprise LLC
4156	Holiday #622	Package Store	2300 S Cushman St	Holiday Alaska Inc.
4170	Lavelle's Bistro	Bev. Dispensary	575 1st Avenue	Café de Paris Catering Co
4232	Kodiak Jack's	Bev. Dispensary	537 Gaffney	JSR Inc
4344	Siam Dishes	Restaurant/Eating Place	338 Old Steese Hwy	Air Choumittaphanh & Southsakone Pheunmany
4395	Boston's	Bev. Dispensary	1243 Old Steese Hwy	Goethe LLC
4941	Seoul Gate Restaurant	Rest/Eating Place	958 Cowles Street	Chong Pak

Mr. Roberts, seconded by **Mr. Gatewood**, moved to WAIVE Protest on the Renewals.

Mayor Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Roberts asked Ms. Hovenden if the location issue for the Husky Lounge had been resolved.

Ms. Hovenden replied that it had been.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE RENEWALS, AS FOLLOWS:

YEAS: Eberhart, Gatewood, Stiver, Hilling, Matherly, Roberts

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth stated that there are two Transfer of Responsibility Agreements (TORA's) from the Department of Transportation: one for pedestrian access at Graehl Landing and the Front Street/Forty Mile area; the other for sidewalks along McGown Street and Kellum Street, from Lathrop Street to 10th Avenue.

Mayor Cleworth called for objection to accepting the Transfer of Responsibility Agreements, and hearing none, so ORDERED.

Mayor Cleworth thanked Mr. Gatewood for his willingness to attend Borough Assembly meetings as the City Representative. He asked for more volunteers from the Council. **Mayor Cleworth** spoke to a borough ordinance that would implement a motor vehicle tax for vehicle registrations with varying rates. Ninety percent of the fees collected would be used as revenue to reduce the mill rate and ten percent would be used for borough fire service area capital expenditures. He suggested that the Council look at the ordinance to see how it may affect the City of Fairbanks. **Mayor Cleworth** mentioned the fire in Lakeview Terrace over the weekend. He spoke to possible changes to City policy regarding mutual aid in areas outside of the City of Fairbanks fire service area. He asked the Council to include their thoughts on the matter during their comments later in the meeting.

UNFINISHED BUSINESS

- a) Ordinance No. 5873 – An Ordinance to Repeal FGC Sec. 50-286 Regarding PERS Participation by Elected Officials and Personnel Code Employees. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Roberts, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5873.

Mayor Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Roberts commented that the ordinance was mainly clean-up from old code that was written when the Council was a part of the PERS Program.

Mayor Cleworth confirmed Mr. Roberts' comments, stating that the Council had not participated in the PERS Program since roughly 2000.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5873, AS FOLLOWS:

YEAS: Matherly, Hilling, Roberts, Stiver, Gatewood, Eberhart

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5873 ADOPTED.

- b) Ordinance No. 5874 – An Ordinance Ratifying an Amendment to the Current Labor Agreement Between the City of Fairbanks and the Public Safety Employees Association (PSEA). Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Roberts, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5874.

Mayor Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Hilling asked if there have been studies done on the efficiency of police officers after working more than an eight-hour shift.

Mayor Cleworth replied that he hasn't heard of any research or seen any literature to support a decline in an officers performance after working more than eight hours. He stated that the contract before the Council would allow officers the option of a 3-day, 36-hour workweek and clarified that overtime would not kick in until the employee worked more than 40 hours in one week.

Mr. Gatewood asked for clarification on Section 10.5(A)(4) of the attachment to Ordinance No. 5874.

Mayor Cleworth stated that the section Mr. Gatewood referred to is not a change but is part of the existing contract.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5874, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Hilling, Eberhart, Stiver

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5874 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4506 – A Resolution to Change the Location of the Meetings of the City Council on February 06, 2012, to Comply with Continuity of Operation Plan (COOP) Requirements. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4507 – A Resolution Authorizing the Extraterritorial Extension of Fire Suppression Services by Contract. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Hilling**, moved to APPROVE Resolution No. 4507.

Mayor Cleworth referenced the Memorandum attached to Resolution No. 4507. He stated that the City has had a contract for fire service with some businesses and one residence near the Lakeview Terrace area at a fixed rate of 4.9 mills, a much higher rate than competing fire service providers. He added that the City is already under contract with the FNSB to provide ambulance service to the area. He explained that the new owners of Lakeview Terrace have requested to be annexed into the University Fire Service Area but could be much better and more efficiently served by the City of Fairbanks. He asked Chief Cummings and Assistant Chief Misewicz to come forward for their presentation.

Chief Cummings and Assistant Chief Misewicz gave a PowerPoint presentation on Lakeview Terrace and highlighted the benefits of extending the City's fire service to the area.

Mr. Eberhart asked if the matter had been discussed with the Firefighters' Association.

Chief Cummings stated that he had not been in communication with the Association in regards to the issue.

Mayor Cleworth indicated that the Firefighters' Association would like the City to annex the entire area. He stated that there would be no violation of contract with the Association because the City already has fire service contracts with other properties outside the City limits.

Doug Schrage, University Fire Chief – Chief Schrage spoke in support of extending fire protection to the Lakeview Terrace area. He explained that the area is too far away for the University Fire Department (UFD) to provide effective service and that, by extending protection, UFD may compromise the quality of services it provides to its existing area.

Mr. Roberts asked if the University could refuse to provide service to the area.

Chief Schrage replied that he was unclear on the issue.

Mr. Eberhart asked how the annexation process works.

Chief Schrage replied that he is new to the area. He stated that, to his knowledge, individual properties or small numbers of properties may be annexed without a public vote. He explained that property owners may petition the borough, launching a series of public hearings. The Borough would then make a decision on whether or not to allow the area to be annexed.

Mayor Cleworth spoke to the importance of mutual aid and pointed out that even if Lakeview Terrace were to be annexed into the UFD service area, the City would still respond under the mutual aid agreement. He spoke to the development possibilities of Lakeview Terrace under new ownership and how the City could potentially benefit by extending service to the area.

Ms. Stiver spoke in favor of providing fire service to the area if at least half the property value could be used in collecting taxes for the service.

Mr. Eberhart asked how the issue of fire service in the area came to involve the City.

Mayor Cleworth replied that the matter was brought up to the Fairbanks North Star Borough, who then brought it to the attention of the City. He explained that the matter is still in the Borough's hands, but that the City may not be competitive at all unless they offer a more reasonable rate for fire service.

Mr. Eberhart asked for confirmation of the City's standard mill rate and what services the tax included.

Mayor Cleworth answered that the base rate is 4.9 mills and includes all City services: fire, police and public works.

Mr. Eberhart spoke to past cases when the Council was unaware of extension of City fire services to certain areas. He commented that owners may not be interested in annexation if the City continues to allow them to purchase individual services based on their specific needs.

Mr. Hilling commented that he believes annexation would be desirable for the Lakeview Terrace owners because they would already be paying separately for fire and ambulance service and it wouldn't cost much more to have all City services. He spoke to potential development of the property.

Mr. Matherly stated that it makes sense for the City to make its fire service rate competitive for this particular area. He added that the owners may consider City annexation at a later time.

Mr. Roberts cautioned the Council on opening themselves up to a "cherry-picking" situation. He expressed hope that the Borough would say no to UFD annexation of the property and that the City would have the opportunity to annex the area. He asked Mayor Cleworth to offer his thoughts on City annexation of Lakeview Terrace.

Mayor Cleworth stated his belief that annexation should be by mutual consent. He commented that the people in that particular area do not seem desirous of all City services, only fire protection.

Mr. Roberts spoke to the benefits of City services and how those services protect the well-being of its citizens.

Ms. Stiver again spoke in favor of City annexation of the property, and acknowledged fellow Council Members' concern with allowing owners to pick and choose City services. She expressed her belief that the Lakeview Terrace owners would be more inclined to annex into the City at a later time if they were already receiving the City's fire service.

Mr. Hilling spoke to concerns of annexation if the property remained in its current state. He explained that the tax revenue brought in by the existing property may not cover the cost of additional staffing necessary to provide full services to the area. He spoke in favor of Resolution No. 4507.

Ms. Stiver spoke to the Alaska State Troopers' difficulty with staffing, thus making City police services desirable to areas like the Lakeview Terrace property.

Mayor Cleworth clarified that annexation is not the subject at hand. He stated that annexation would involve a lot of research on cost vs. benefit. He expressed concern that the Borough may allow the annexation of Lakeview Terrace into the University Fire Service Area to take place and urged the Council to consider that possibility when voting on Resolution No. 4507.

Mr. Gatewood spoke to the flaw in the mutual aid system in this particular case. He explained that the City would be the first to respond to a fire in the Lakeview area regardless of who's fire service area the property fell into. He spoke also to his hesitation in allowing property owners to "cherry-pick" City services.

Ms. Stiver asked if a timeline could be laid out that would require discussion of annexation into the City with an interim agreement to provide City fire protection at a set mill rate.

Mayor Cleworth explained that all current City contracts have an expiration date and this one would be no different. He stated that he is unsure if the subject of annexation could be a part of a contract agreement.

Mr. Matherly stated his belief that the new owners would develop the property and eventually be inclined to approach the City for annexation. He spoke in support of Resolution No. 4507.

Mayor Cleworth clarified that the City has never allowed "cherry-picking" of services. He commented that the only services the City has provided on an individual basis are fire and ambulance.

Mr. Gatewood stated that just because the City services such as police and public works haven't been provided on an individual basis to date, doesn't mean property owners won't try to purchase them separately in the future. He asked if Resolution No. 4507 would give the Mayor the authority to allow property owners to purchase services individually.

Mayor Cleworth replied that the Council would still have the ability to review service contracts in the future.

Mr. Eberhart asked for clarification on the authority bestowed to the Mayor in Resolution No. 4507.

Mayor Cleworth stated that if someone approached the City requesting fire protection service, the contract would have to be brought before the Council according to current City code.

Mr. Eberhart suggested a change to the language in Resolution No. 4507 that would clarify that all service contracts must still be brought before the Council for approval.

Mayor Cleworth stated that a change to the language would be fine, but that City Code would trump the resolution regardless. He explained that the intent of Resolution No. 4507 was only to give the Mayor authority to offer competitive rates for property owners wishing to obtain City fire service.

Mr. Ewers referenced FGC Sec. 2-656, which requires approval by the City Council for all potential contracts for services.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4507, AS FOLLOWS:

YEAS: Stiver, Matherly, Hilling, Eberhart, Roberts

NAYS: Gatewood

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4507 APPROVED.

DISCUSSION ITEMS

Committee Reports

Public Safety Commission – **Mr. Eberhart** provided a brief report of the January 10, 2012 meeting. He announced the next PSC meeting date of February 14, 2012.

FMATS Policy Committee – **Mr. Roberts** gave a brief report on the January 18, 2012 meeting.

Fairbanks Convention and Visitor's Bureau – **Mr. Hilling** stated that he was absent at the last FCVB board meeting but will review the meeting minutes and provide a report to the Council at the next regular meeting, if necessary.

COMMUNICATIONS TO COUNCIL

a) Board of Plumber Examiners Meeting Minutes of October 4, 2011.

ACCEPTED on the CONSENT AGENDA.

b) Public Safety Commission Meeting Minutes of December 13, 2011.

ACCEPTED on the CONSENT AGENDA.

- c) Reappointments to the Board of Plumber Examiners.

APPROVED on the CONSENT AGENDA.

- d) Appointment and Reappointments to the Landscape Review Board.

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Roberts spoke to the City's policy regarding response to areas outside its service area when there is a life-safety issue. He added that it only makes sense for the City to respond if a life may be at stake. He explained the reasons why he voted in favor of Resolution No. 4507. He spoke to the high cost of annexing the Lakeview area due to the poor road conditions and suggested the possibility of a future increase in the City's mill rate.

Ms. Stiver announced that she will be back in Fairbanks for the Regular Meeting of February 27, 2012. She expressed gratitude to the Mayor and fellow Council Members for allowing her to attend the meetings telephonically.

Mr. Gatewood expressed appreciation for his fellow Council Members' views and discussion on Resolution No. 4507. He spoke to the City's policy on responding to fires outside of its service area and the seriousness of determining whether or not a life is at stake. He spoke in favor of City policy that would allow for response and determination on whether or not there is a life-safety issue.

Mr. Eberhart commended Public Works for their quick response to the recent heavy snowfall. He expressed satisfaction on the agreement between the City and PSEA. He spoke to the City's response to properties outside the fire service area and indicated that there may be a need for a boundary limit. He commented that mutual aid played into his decision in favor of Resolution No. 4507 and stated that City residents are, in essence, subsidizing the service to that area.

Mr. Hilling asked Ms. Hovenden if she had the City's mission statement available for reading.

Ms. Hovenden replied that she had emailed it to all Council Members.

Mr. Hilling expressed skepticism on the development of a renovation task force in the City. He vocalized concerns with the effectiveness of such a task force and the financial risk to the City if building permit fees were waived. He spoke to the Borough's proposal of a vehicle tax, questioning whether or not the mill rate would be lowered as a result of the tax. He spoke in favor of implementing a policy of response to areas with no fire protection.

Mr. Matherly expressed appreciation for the respect shown by the Mayor and Council during discussions. He volunteered to attend the next Borough Assembly Meeting as the City Representative. He spoke in favor of a City policy that would require response to areas without

fire service. He commented on recent discussion in the Fairbanks Daily News-Miner regarding driving in severely cold weather and the safety precautions that need to be taken.

ADJOURNMENT

Mr. Roberts, seconded by **Mr. Matherly**, moved to ADJOURN the meeting.

Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 8:35 P.M.



JERRY CLEWORTH, MAYOR

ATTEST:

for 

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS